

**ASSEMBLY BILL**

**No. 1193**

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**Introduced by Assembly Member Hancock**

February 22, 2005

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An act to add Chapter 7.5 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1193, as introduced, Hancock. Recycling: compact discs and digital versatile discs.

Existing law requires the California Integrated Waste Management Board to administer state programs to recycle various specified materials. The existing Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect an electronic waste recycling fee from the consumer and requires a manufacturer to make information available to consumers that describes where and how to return, recycle, and dispose of the electronic device and opportunities and locations for the collection or return of the device, as specified.

This bill would prohibit the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee, without the consent of a person in the household, unless the recipient is provided a postage paid return mailing envelope or similar return mechanism that would allow the recipient to return the disc, and accompanying packaging, to the sender. The bill would require a person that sells or provides a disposable CD or disposable DVD, as defined, to a consumer in this state, to include a postage prepaid mailing envelope or similar no-cost-to-the-consumer mechanism for returning the disc, and

accompanying packaging, to the producer or other designated entity for recycling.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 7.5 (commencing with Section 42420) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 7.5. COMPACT DISCS AND DIGITAL VERSATILE DISCS

42420. For the purpose of this chapter, the following terms have the following meanings:

(a) "Compact Disc" or "CD" means an optical disc used as a digital storage medium.

(b) "Digital Versatile Disc" or "DVD" is an optical disc used as a digital storage medium, usually containing a video recording or computer data.

(c) "Disposable CD" or "disposable DVD" means a CD or DVD that is designed to become inoperable or unplayable after a set period of time.

(d) "Mass mailing" means over 200 substantially similar pieces of mail that are sent within a calendar month, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter, or other inquiry.

42421. (a) Except as provided in subdivisions (b) and (c), a person may not distribute or mass mail a CD or DVD for commercial purposes to households that are assessed a solid waste fee in this state, without the prior consent of a person in the household, unless the CD or DVD is accompanied by a postage paid return mailing envelope or similar cost-free mechanism for the recipient to return the unsolicited CD or DVD, and accompanying packaging, to the distributor for reuse or recycling.

(b) A postage paid return mailing envelope or similar return mechanism is not required for households in communities where

1 curbside recycling programs accept CDs and DVDs for  
2 recycling.

3 (c) A postage paid return mailing envelope or similar return  
4 mechanism is not required if the person is distributing or mailing  
5 to less than 200 households.

6 42422. A person who sells or provides a disposable CD or  
7 DVD to a consumer in this state shall include a postage prepaid  
8 mailing envelope or similar no-cost-to-the-consumer mechanism  
9 for returning the disposable CD or DVD, and accompanying  
10 packaging, to the producer or other designated entity for  
11 recycling.

12 42423. This chapter does not prohibit or restrict the  
13 distribution of information on CD or DVD for noncommercial  
14 purposes.